

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

JEFFERY BUONGIORNO,

*Plaintiff,*

vs.

CASE NO.: 9:24-cv-80920-AMC

ALEJANDRO MAYORKAS, in his  
official capacity as the Secretary of  
the United States Department of  
Homeland Security, et al.,

*Defendants.*

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**MOTION FOR EXTENSION OF TIME TO  
RESPOND TO SECOND AMENDED COMPLAINT**

Defendants James Cord Byrd, in his official capacity as the Secretary of State of the State of Florida, Ashley Moody, in her official capacity as the Attorney General of the State of Florida, Maria Matthews, in her official capacity as the Director of the Division of Elections, Florida Department of State, Shevaun Harris, in her official capacity as the Secretary of the Department of Children and Families of the State of Florida, and Dave Kerner, in his official capacity as the Chief Administrator of the Florida Department of Highway Safety and Motor Vehicles the State Defendants), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 7(b) and S.D. Fla. rules 7.1(a)(1)(J) and 7.1(a)(3), and as good cause therefore would show:

1. Plaintiff filed his initial Complaint on July 30, 2024 [ECF 1]
2. On July 31, 2024 this Court entered its Order directing all Defendants to submit a single combined response or separate answers within the time allowed for the last served Defendant to respond. [ECF 9]

3. Plaintiff filed his Second Amended Complaint on September 9, 2024. [ECF 42]
4. On September 19, 2024, this Court entered its Order noting that Defendant Alejandro Mayorkas had not yet been served. [ECF 49]
5. On September 20, 2024, Plaintiff filed a Notice of Voluntary Dismissal as to Defendants Alejandro Mayorkas and Martin O'Malley. [ECF 50]
6. On September 22, 2024, this Court entered its Order directing the remaining Defendants to file a combined response or individual answers to the Second Amended Complaint by Monday, September 30. [ECF 51]
7. Undersigned counsel for the State Defendants is located in Tallahassee, which is currently under a hurricane watch. Tropical Storm Helene is currently expected to make landfall on Florida's Gulf coast south of Tallahassee as a category 3 hurricane with winds of 115 miles per hour on Thursday, September 26, 2024. The Attorney General's offices in Tallahassee, Tampa, and St. Petersburg will be closed on noon on Wednesday, September 25, 2024 and all day on Thursday, September 26, 2024 because of the hurricane. The office closures in Tallahassee may be extended if protracted storm-related power outages result.
8. Given the disruptions to be caused by Hurricane Hermine, the State Defendants respectfully request that this Court grant all Defendants an extension until Monday, October 7, 2024 to submit either a combined response or individual answers to the Second Amended Complaint.
9. Pursuant to S.D. Fla. rule 7.1(a)(1)(J), no Memorandum of Law is required for this motion.

#### **CERTIFICATION OF CONFERRAL**

Undersigned counsel for the State Defendants hereby certifies that he has conferred with all other parties by email and telephone on September 24, 2024 in a good faith effort to resolve by

agreement all issues raised in this motion. Counsel for all other remaining Defendants have agreed to the requested extension, but Plaintiff Jeff Buongiorno has advised that he objects to the requested extension.

Respectfully submitted this 24th day of September 2024.

ASHLEY MOODY  
FLORIDA ATTORNEY GENERAL

/s/ Timothy L. Newhall  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which provides notice to all parties, and sent by email to Plaintiff Jeff Buongiorno at Jeff@etektraining.com on this 24th day of September 2024.

/s/ Timothy L. Newhall  
Timothy L. Newhall